

**ORDINANCE NO. 14-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CASTLE PINES, COLORADO AMENDING ORDINANCE NO. 08-11  
CONCERNING THE VACATION OF A PORTION OF LAGAE ROAD  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Castle Pines (the “City”) is a statutory municipality incorporated and organized pursuant to the provisions of sections 31-2-101, *et seq.*, C.R.S.; and

**WHEREAS**, Section 43-2-303(1)(a), C.R.S. provides that the City Council may vacate any roadway or part thereof located within the corporate limits of said city or town by ordinance; and

**WHEREAS**, the City Council previously approved Ordinance No. 08-11 vacating a portion of Lagae Road (“Existing Lagae Road”), as shown in **Exhibit A**, subject to the condition that an alternative public road is constructed and accepted by the City so that no adjoining land is left without legal access; and

**WHEREAS**, in conjunction with Ordinance No. 08-11, the City Council approved a final plat titled *Lagae Ranch Filing 1 Final Plat* recorded in the Douglas County Clerk and Recorder’s Office at Reception No. 2008082081 (“Lagae Ranch”) in which right-of-way for the realignment of Existing Lagae Road was dedicated to the City (“Realigned Lagae Road”) in order to provide access to the properties which are currently accessed via the Existing Lagae Road; and

**WHEREAS**, the current property owner of Lagae Ranch, Ventana Capital, on behalf of R.I. Management of Tulsa, Inc. (“Petitioner”), has submitted a request to the City Council to amend Ordinance No. 08-11 to modify the condition of approval of the approved vacation of the Existing Lagae Road; and

**WHEREAS**, the modified condition of approval of the vacation of Existing Lagae Road finalizes the vacation approved through Ordinance No. 08-11 upon the Petitioner’s conveyance of a public access easement to the City over and across the Existing Lagae Road, in a form approved by the City Attorney, for continued public access during construction of the Realigned Lagae Road; and

**WHEREAS**, Section 705B of the City’s Subdivision Regulations provides standards upon which approval of a road vacation may be based; and

**WHEREAS**, the City Council finds the modified condition of vacation of the Existing Lagae Road as more fully set forth herein is in compliance with Section 705B of the Subdivision Regulations and in accordance with Part 3 of Article 2 of Title 43 of the Colorado Revised Statutes; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the City’s Subdivision Regulations by setting a public hearing. Approval of this Ordinance on first reading does not constitute a

representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:**

**Section 1.** Section 2 of Ordinance No. 08-11 is hereby modified to read in full as follows: Existing Lagae Road as described in **Exhibit A** is vacated in accordance with Section 705B of the City's Subdivision Regulations and Section 43-2-303 of the Colorado Revised Statutes, subject to the Petitioner/Lagae Ranch property owner's conveyance of a public access/roadway easement ("Roadway Easement") dedicating public access easement to the City over and across Existing Lagae Road in a form approved by the City Attorney.

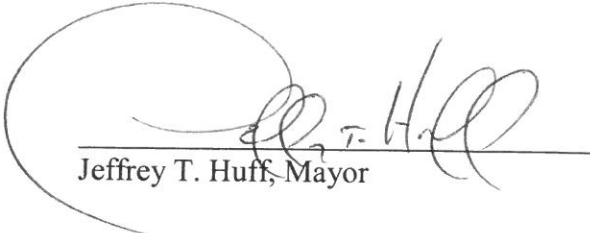
**Section 2.** The City Council hereby authorizes the Mayor to execute the Roadway Easement and a quit claim deed for the vacated Existing Lagae Road, in a form approved by the City Attorney, upon the City's acceptance of the Roadway Easement.

**Section 3. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 4. Emergency Declared.** The City Council hereby declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Specifically, the passage of this Ordinance as an emergency measure is necessary in order to permit continued public access on Existing Lagae Road during construction of the Realigned Lagae Road, while allowing the Petitioner and owners of Lagae Ranch the legal right to develop the property as reflected in the Lagae Ranch final plat. Upon passage by three quarters (3/4) of the members of the City Council, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of City Council as required by C.R.S. Section 31-16-105, then it is the intent of the City Council that this Section be severed from the Ordinance and, if approved by a majority of members of the City Council constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 12TH DAY OF AUGUST, 2014.**

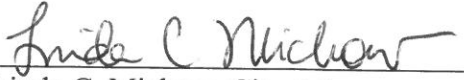
**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 26TH DAY OF AUGUST, 2014.**

  
\_\_\_\_\_  
Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:

  
Diane Spomer, CMC, City Clerk

  
Linda C. Michow, City Attorney

**CERTIFICATION OF PUBLICATION**

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed public meeting of the Castle Pines City Council on August 12, 2014; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on August 26, 2014 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on September 4, 2014.

ATTEST:

  
Diane Spomer, CMC, City Clerk

## EXHIBIT A

### Legal Description and Map of Portion of Vacated Lagae Road

#### PARCEL DESCRIPTION

A PART OF LAGAE ROAD AS RECORDED IN BOOK 2326 AT PAGE 1152, DOUGLAS COUNTY RECORDS, LYING WITHIN A PARCEL OF LAND AS RECORDED AT RECEPTION NO. 2006062879, DOUGLAS COUNTY RECORDS, ALSO BEING A PART OF THE SOUTHWEST ONE-QUARTER (SW 1/4 ) OF SECTION 3, THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 9 AND THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3, AS MONUMENTED IN THE FIELD, THENCE N44°17'39"E, A DISTANCE OF 1788.78 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2006062879, AS MONUMENTED IN THE FIELD, SAID POINT BEING THE POINT OF BEGINNING, THENCE S89°29'13"E, ALONG SAID NORTH LINE, A DISTANCE OF 120.94 FEET TO THE NORTHEAST CORNER OF SAID STRIP OF LAND RECORDED AS LAGAE ROAD IN BOOK 2326 AT PAGE 1152; THENCE ALONG THE EASTERLY LINES OF SAID STRIP OF LAND THE FOLLOWING NINE (9) COURSES:

1. S56°10'26"W, A DISTANCE OF 9.87 FEET;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 93°41'42", A RADIUS OF 515.00 FEET, AN ARC LENGTH OF 842.17 FEET, AND WHOSE CHORD BEARS S12°52'19"W, A DISTANCE OF 751.42 FEET;
3. S59°43'10"W, A DISTANCE OF 320.00 FEET;
4. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 43°36'05", A RADIUS OF 460.00 FEET, AND AN ARC LENGTH OF 350.05 FEET;
5. S16°07'05"W, A DISTANCE OF 502.32 FEET;
6. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°46'30", A RADIUS OF 1960.00 FEET, AND AN ARC LENGTH OF 129.14 FEET;
7. S12°20'35"W, A DISTANCE OF 199.72 FEET;
8. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 33°19'37", A RADIUS OF 1240.00 FEET, AND AN ARC LENGTH OF 721.26 FEET;
9. S45°40'12"W, A DISTANCE OF 429.70 FEET

TO A POINT ON THE SOUTH LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 2006062879, THENCE S86°20'43"W, ALONG SAID SOUTH LINE, AS MONUMENTED IN THE FIELD, A DISTANCE OF 122.74 FEET; THENCE ALONG THE WESTERLY LINES OF SAID STRIP OF LAND RECORDED AS LAGAE ROAD THE FOLLOWING TEN (10) COURSES:

1. N45°40'12"E, A DISTANCE OF 522.79 FEET;
2. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 33°19'37", A RADIUS OF 1160.00 FEET, AND AN ARC LENGTH OF 674.73 FEET;
3. N12°20'35"E, A DISTANCE OF 199.72 FEET;
4. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 03°46'30", A RADIUS OF 2040.00 FEET, AND AN ARC LENGTH OF 134.41 FEET;
5. N16°07'05"E, A DISTANCE OF 502.32 FEET;

6. ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF  $43^{\circ}36'05''$ , A RADIUS OF 540.00 FEET, AND AN ARC LENGTH OF 410.93 FEET;
7.  $N59^{\circ}43'10''E$ , A DISTANCE OF 320.00 FEET;
8. ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF  $93^{\circ}32'44''$ , A RADIUS OF 435.00 FEET, AND AN ARC LENGTH OF 710.21 FEET;
9.  $S56^{\circ}10'26''W$ , A DISTANCE OF 10.00 FEET;
10.  $N33^{\circ}49'34''W$ , A DISTANCE OF 69.57 FEET TO THE POINT OF BEGINNING

CONTAINING 6.480 ACRES OF LAND, MORE OR LESS.

THE BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN BEING A GRID BEARING OF  $N00^{\circ}36'25''W$ . THE GRID BEARING WAS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE COLORADO HIGH ACCURACY REFERENCE NETWORK (CHARN). THE GRID BEARING IS NAD83 (1992) - COLORADO STATE PLANE CENTRAL ZONE (502)

PREPARED BY: JANET A. CALDWELL, PLS 29027  
FOR AND ON BEHALF OF THE LUND PARTNERSHIP INC.  
12265 W. BAYAUD AVE., SUITE 130  
LAKEWOOD, COLORADO 80228  
DATE: AUGUST 20, 2008

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

